

EXECUTIVE ORDER NO. 4-2005

EXECUTIVE ORDER CONTINUING THE  
GOVERNOR'S DISABILITIES ADVISORY COUNCIL

WHEREAS, the Americans with Disabilities Act (ADA) requires states and local governments to provide services to persons with disabilities in the most integrated setting appropriate; and

WHEREAS, the United States Supreme Court affirmed, in *Olmstead v. L.C. by Zimring*, 527 U.S. 581 (1999) ("Olmstead"), that needless institutionalization of persons with disabilities is segregation and discriminatory; and

WHEREAS, persons who live in the community and have the supports and services to live as independent lives as possible have a greater quality of life; and

WHEREAS, the Americans with Disabilities Act opens the doors of opportunity for Montana's citizens with disabilities to become participants in policy development at the local and state level.

NOW, THEREFORE, I, Brian Schweitzer, Governor of the State of Montana, by virtue of the authority vested in me under the laws and the constitution of the State of Montana, do hereby issue this executive order to continue the Governor's Disabilities Advisory Council.

BE IT FURTHER RESOLVED, that the Advisory Council shall advise the Governor's Office, the Department of Administration, and the Department of Public Health and Human Services ("DPHHS") on issues affecting the implementation of the Americans with Disabilities Act in state government, including:

1. recommending steps to promote the proactive implementation of the Americans with Disabilities Act in Montana state government with an emphasis on Title II.
2. developing a coordinated plan for providing supports and services in the most integrated setting to Montana citizens with disabilities covered by Medicaid or other state services (Olmstead plan);
3. re-evaluating Montana's current Olmstead plans for unification into one visionary document to be used as a proactive, coordinated approach for service planning and development;
4. identifying state policies and practices that create barriers to community integration and effective delivery of community services;
5. identifying actions to improve the infrastructure and community capacity to provide needed community services and supports;
6. researching funding opportunities to support expanded or new services and supports that enable Montanans with long-term care needs to regain and/or maintain an independent community lifestyle;
7. developing long-range plans and strategies to anticipate and respond to future demands for long-term services and supports as those needs change over the next three decades.

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1 BE IT FURTHER RESOLVED that: the Advisory Council shall be composed of  
2 no fewer than eleven (11) members, appointed by the Governor, and at least sixty percent  
3 (60%) of the voting members shall be people with disabilities. The membership shall be  
4 drawn from people with disabilities, consumers of state government services, and  
5 organizations representing people with disabilities. The Director of DPHHS or his  
6 designee shall be a non-voting, ex-officio member of the Advisory Council. A majority  
7 of the voting members shall constitute a quorum. The Chair and Vice Chair shall be  
8 elected by a vote of the Advisory Council at the first meeting of the Council under this  
9 Executive Order. The Department of Administration and DPHHS shall provide  
10 administrative and other support to the Advisory Council as necessary to carry out its  
11 purpose.

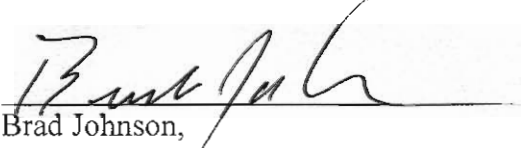
12 BE IT FURTHER RESOLVED that the Advisory Council shall meet no less than  
13 quarterly as determined by the Council, consistent with available funding, in consultation  
14 with the Governor's Office and DPHHS, to advise on the development and  
15 implementation of a comprehensive statewide Olmstead plan. All voting members shall  
16 be compensated in accordance with Mont. Code Ann. § 2-15-122(5).

17 BE IT FURTHER RESOLVED that this Advisory Council shall exist for a period  
18 of two years from the effective date of this order. This Order is effective immediately.

19  
20 GIVEN under my hand and the GREAT SEAL of the State of Montana, this 30<sup>th</sup>  
21 day of March, 2005.

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26 BRIAN SCHWEITZER, Governor  
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28 Attest:

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32 Brad Johnson,  
33 Secretary of State